

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

MINING PROJECT WIND DOWN HOLDIGS,
INC. (f/k/a Compute North Holdings, Inc.), *et
al.*,

Chapter 11

Case No. 22-90273 (MI)

(Jointly Administered)

Debtors.¹

**NOTICE OF NON-CONSENT AND
ELECTION TO OPT-OUT OF THIRD-PARTY RELEASES**
[Relates to Docket Nos. 576, 665, 871 and 889]

BitNile, Inc. (“BitNile”), a creditor and contract counterparty of the above-captioned debtors, for its *Notice of Non-Consent and Election to Opt-Out of Third-Party Releases*, respectfully submits as follows:

1. By order dated January 27, 2023, the Court entered an order rejecting certain executory contracts (the “Rejection Order”), including the Master Agreement, dated August 15, 2022, and Order Form by and between BitNile and Debtor, Compute North LLC [Docket No. 871].

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, include: Mining Project Wind Down Holdings, Inc. (f/k/a Compute North Holdings, Inc.) (4534); Mining Project Wind Down LLC (f/k/a Compute North LLC) (7185); Mining Project Wind Down Corpus Christi LLC (f/k/a CN Corpus Christi LLC) (5551); Mining Project Wind Down Atoka LLC (f/k/a CN Atoka LLC) (4384); Mining Project Wind Down BS LLC (f/k/a CN Big Spring LLC) (4397); Mining Project Wind Down Colorado Bend LLC (f/k/a CN Colorado Bend LLC) (4610); Mining Project Wind Down Developments LLC (f/k/a CN Developments LLC) (2570); Mining Project Wind Down Equipment LLC (f/k/a CN Equipment LLC) (6885); Mining Project Wind Down King Mountain LLC (f/k/a CN King Mountain LLC) (7190); Mining Project Wind Down MDN LLC (f/k/a CN Minden LLC) (3722); Mining Project Wind Down Mining LLC (f/k/a CN Mining LLC) (5223); Mining Project Wind Down Pledgor LLC (f/k/a CN Pledgor LLC) (9871); Mining Project Wind Down Member LLC (f/k/a Compute North Member LLC) (8639); Mining Project Wind Down NC08 LLC (f/k/a Compute North NC08 LLC) (8069); Mining Project Wind Down NY09 LLC (f/k/a Compute North NY09 LLC) (5453); Mining Project Wind Down STHDAK LLC (f/k/a Compute North SD, LLC) (1501); Mining Project Wind Down Texas LLC (f/k/a Compute North Texas LLC) (1883); Mining Project Wind Down TX06 LLC (f/k/a Compute North TX06 LLC) (5921); and Mining Project Wind Down TX10 LLC (f/k/a Compute North TX10 LLC) (4238). The Debtors’ service address for the purposes of these chapter 11 cases is 300 North LaSalle, Suite 1420, Chicago, Illinois 60654.

BitNile will be filing its contract rejection claim, as permitted by the Rejection Order and section 365 of the Bankruptcy Code, which claim shall supersede its already filed proof of claim which was filed prior to entry of the Rejection Order (which prior claim is subject to a claim objection filed by the Debtors).

2. BitNile previously commenced a lawsuit against certain of the Debtors' officers and directors and/or employees, individually, which is pending in the United States District Court, District of Minnesota (the "Lawsuit").

3. The Debtors have filed a chapter 11 plan which seeks to release third party claims, including the releases set forth in Section 9.4 of the filed Chapter 11 plan, as recently amended in the *Third Amended Joint Liquidating Plan* [Docket No. 889].

4. BitNile does not consent to, and hereby elects to opt-out of, any releases, discharges or injunctions that seek to release any non-debtor's obligations to BitNile or BitNile's claims, including but not limited to, those in the Lawsuit.

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Houston, Texas
February 1, 2023

/s/ Jason S. Brookner

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COUNSEL TO BITNILE INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 1st day of February 2023, he caused a true and correct copy of the foregoing document to be served electronically via the Court's CM/ECF system for the Southern District of Texas.

/s/ Jason S. Brookner

Jason S. Brookner